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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,841	12/08/2003	Kris Edward Hansen	005230.00007	9293

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WASHINGTON, DC 20005-4051

EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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07/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/728,841	Applicant(s) KRIS EDWARD HANSEN	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,8-10,18-26,28-30,45 and 47-54 is/are pending in the application.
- 4a) Of the above claim(s) 1,8-10,23,26 and 30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28,29,53 and 54 is/are allowed.
- 6) ☒ Claim(s) 18,19,21,22,45,48,49,51 and 52 is/are rejected.
- 7) ☒ Claim(s) 20, 24-25, 47, 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's reply filed 6/21/07 is acknowledged. Claims 18-22, 24-25, 28-29, 45 and 47-54 remain to be examined. Claims 2-7, 11-17, 27, 31-44 and 46 have been canceled. Claims 1, 8-10, 23, 26 and 30 were withdrawn

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/21/07 has been entered and the election of species of Figures 21-22 on May 24, 2004 has been carried over to this continued examination.

### **Claim Objections**

Claim 19 is objected to because the recitation of "said flanges and seat are sized" for cooperating with an opening in a wiring guide...", it should be noted that it is improper to define an element of the claims based on a relationship to an unclaimed element. It's also unclear a "wiring guide" and a "guide" as claimed in claim 18 the same or not?

Claim 24 is also objected to because the "flexible member" is drawn into the claim (see the recitation of " wherein the tubular body surrounds and encloses a flexible member therein" (last line) while the "flexible member" is not part of the claimed invention (see the preamble). Is the "flexible member", a required part of the device or

not? Applicant cannot relate the device to something not positively claimed and rely on that "not claimed" to define over the art as part of the claim. Appropriate correction is required.

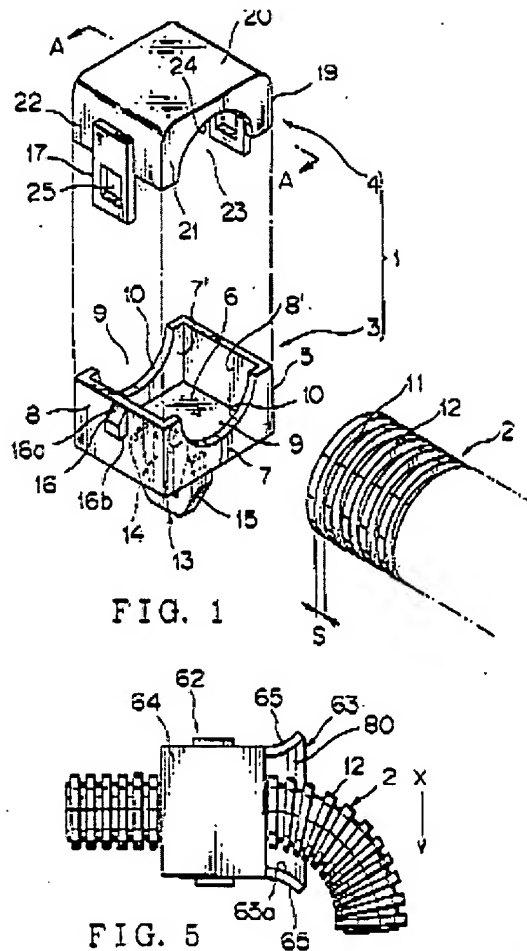
Claim 45, line 7, the phrase "wherein the there are..." needs to be correct.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18-19 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,595,473 to Aoki et al.

As to claim 18, Aoki et al. discloses a fixing structure comprising a curved tubular elongated body 2 (Figs 1 and 5) having a predetermined bend (Fig. 5) between first and second ends, the first end including a collar (see attached copy) comprising a first circumferential flange, a second circumferential flange and a seat extending between said flanges; wherein the body and collar form of a one piece construction and having a guide (62). Note that although the body and the collar are not integrally in one-piece, however, the body and the collar are rigidly secured and hence they are in one-piece in functional sense. The term "one piece" or integrally one piece" is sufficient broad to embrace construction united by such means as fastening and welding. In re Hotte (CCPA) 177 USPQ 326



As to claim 19, since a “wiring guide” is not part of the claim therefore it also reads on Aoki et al.

As to claim 21, wherein said predetermined bend maintains said guiding and supporting member at a predetermined bend radius.

As to claim 22, wherein said elongated body is open at said first end and at a second end for receiving the elongated member, said second end including a second collar comprising first and second flanges and a seat extending between the first and

second flanges of the second end.

Claims 45, 48-49 and 51-52 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,795,108 to Appling

As to claim 45, Appling discloses an elongated tubular body 28 (Fig. 1), the tubular body being curved at a predetermined radius; at least one roller (30) body disposed along a length of the tubular body; wherein the tubular body has an opening in which at least a portion of the roller body protrudes within the opening so that the flexible member can travel thereon, wherein there are a plurality of roller bodies (30) in corresponding openings; and a guide (curved bearing surfaces of rollers constitute a guide) with said tubular body.

As to claim 48, wherein the least one roller body is mounted to the tubular body.

As to claim 49, wherein the least one roller body includes a curved bearing surface for the flexible member to travel thereon.

As to claim 51, wherein the each roller body is associated with a corresponding opening in the elongated body.

As to claim 52, wherein the least one roller body is disposed along a curved length of the tubular body.

### ***Response to Arguments***

Applicant's arguments with respect to claims 18, 24, 28, 29 and 45 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument with respect to Appling has been considered but they are not persuasive. Contrary to Applicant's argument on claim 45, Appling clearly teaches an elongated tubular body 28 (Fig. 1), the tubular body being curved at a predetermined radius; at least one roller (30) body disposed along a length of the tubular body; wherein the tubular body has an opening in which at least a portion of the roller body protrudes within the opening so that the flexible member can travel thereon, wherein there are a plurality of roller bodies (30) in corresponding openings; and a guide (curved bearing surfaces of rollers constitute a guide) with said tubular body.

Accordingly, this action is made Non-Final.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le  
June 22, 2007



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600